

All corrections to notes on this calendar must be filed no later than 12 P.M. (noon) on 11-29-04. Documents filed after this time will not be reviewed before the hearing and will likely result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00134

CASE NAME: MTTR OF ELFRIEDA MILLSTEAD

HEARING:

Hearing Re: FOUT ACCT CURRENT & REPORT ETC.

COUNSEL:

RONALD MILLSTEAD (CPE)...

CAROL ALLEN (CPE)...

ELFRIEDA MILLSTEAD (CEP)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00262

CASE NAME: MTR OF IRVING C GOLDSBOROUGH

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

WILLIAM L MARTIN (PET)...LYNN E ZUMBRUNN

IRVING C GOLDSBOROUGH (CEP)...

GENERAL INFORMATION: Continued from 10-1-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or discharge order filed.

RECOMMENDATION:

Have clerk give notice of need to file documents.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00368

CASE NAME: *MF* MATTER OF FLORENCE J NAHAY

HEARING:
Accounting Review

COUNSEL:

TERRENCE M NAHAY (CPE)...RICHARD S COLLINS
FLORENCE NAHAY (CEP)...ANNE E LEWIS
WALTER NAHAY (PET)...PRO/PER

GENERAL INFORMATION: continued from 10-8-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review. **Accounting review has not been filed; however, conservator has filed a supplemental inventory and appraisal and a declaration.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.
2. **Court may wish to inquire when the final inventory and appraisal will be filed.**
3. **Proof of service for supplemental inventory and appraisal is incomplete.**
Must serve counsel for conservatee and Court Investigator.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C. § 2620.2

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00372

CASE NAME: ODIN NORMAN OLSON

HEARING:

Hearing Re: PETN TERMINATING CONSERVATORSHIP ETC.

COUNSEL:

NORMAN N OLSON (PET)...DAVID W BROWN

RICHARD M OLSON (PET)...PRO/PER

ODIN NORMAN OLSON (PCE)...

GENERAL INFORMATION: Conservatee died on 8-2-03. Although not stated, it appears that the accounting covers 3-03 through 12-04. Continued from 8-13-04 and 10-8-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for termination of conservatorship and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting \$400 in fees representing 40 hours at \$10 per hour. Amount is not itemized.
2. Attorney is requesting \$1,000 in fees and costs. However, the itemization only encompasses \$929. Please explain.
3. There is \$308,317. 47 in assets on hand. The petitioner and other heir request that assets be divided and distributed pursuant to declaration as defined in Pr.C. § 13100. The 13100 declaration indicates that there is only \$41,281.61. Is this because the annuity had a remainderman beneficiary or was terminated upon the death of the Conservatee? File supplemental.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 1-20-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00406

CASE NAME: MTTR OF LEONILA MAMON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHNNIE MAMON

(PET)...DAVID & TURNER

LEONILA MAMON

(CEP)...

GENERAL INFORMATION: continued from 7-23-04 and 10-1-04. On 7-28-04 the court signed a new order appointing the Conservator. However, letters have still not issued. On 10-1-04 the court waived the requirement of filing of bond. Still no letters have issued. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petition for conservatorship was granted on 2-13-04. Letters have never issued and bond has not been posted. No inventory and appraisal filed.

RECOMMENDATION:

Set matter for O.S.C. re removal for failure to file bond and have letters issued. Have the clerk give notice.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00413

CASE NAME: MTTR OF TERRIL W ZWALL

HEARING:

Petition for Appointment of Conservator

COUNSEL:

LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN
TERRIL W ZWALL (PCE)...DAVID & TURNER

GENERAL INFORMATION: continued from 1-9-04, 2-27-04, 3-26-04, 5-7-04, 7-23-04 and 10-1-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the estate only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued 11-21-03
2. File notice of hearing and proof of service.
3. File return of citation.
4. Petitioner is a professional conservator.
5. Bond should be set at \$138,544, not \$135,000 as requested.
6. Conservatee objects. Court has appointed Attorney Sandra Turner to represent the Conservatee.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for accounting review for 1-20-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00423

CASE NAME: MTR OF DOROTHY SMITH-TINDALL

HEARING:

Hearing Re: FIRST & FINAL ACCOUNTING.

COUNSEL:

SUSAN SALLIOTE (PET)...ANNE SCANLON ZIMMERMAN
DOROTHY SMITH-TINDALL (PCE)...
WILLIAM TINDALL (OBJ)...L ROB WERNER

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00423

CASE NAME: MTR OF DOROTHY SMITH-TINDALL

HEARING:

Petition for Termination of Conservatorship/Guardianship

COUNSEL:

SUSAN SALLIOTE (PET)...ANNE SCANLON ZIMMERMAN

DOROTHY SMITH-TINDALL (PCE)...

WILLIAM TINDALL (OBJ)...L ROB WERNER

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00424

CASE NAME: MTR OF PAMELA YVONNE BAXTER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DONALD EARL BAXTER (PET)...JANIS L HILKE
PAMELA YVONNE BAXTER (PCE)...SHERRI L KASTILAHN
BARBARA GUERRY (TP)...HARCOURT HERVEY

GENERAL INFORMATION: Temporary letters were issued February 4, 2004 for a general conservatorship. Petitioner filed an amended petition for a limited conservatorship, as the Conservatee is developmentally disabled. Matter continued from June 11, 2004 and 10-15-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: petition for limited conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File return of citation.
2. Inland Regional Center report is in the file.
3. Conservatee CAN complete the voter affidavit.
4. Conservatee does not wish counsel appointed, however, the appointment of counsel appears mandatory under Pr.C. § 1471. Attorney Kastilahn appointed for Conservatee.
5. Petitioner seeks Pr.C. § 2351.5 powers. States Conservatee has Downs Syndrome and has lived with family her entire life. (Conservatee is 43.) Claims Conservatee needs assistance with financial and emotional needs. Judge to decide.
6. Objections have been filed by Barbara Guerry, sister of the Conservatee. The objector indicates that a limited conservatorship is better for the Conservatee and requests that the petitioner not be appointed. She does not suggest who the limited Conservator ought to be. She demands mandatory mediation and that she be

provided with all Inland Regional Center report. She further demands a full psychiatric evaluation of the Conservatee.

RECOMMENDATION:

Review Inland Regional Center report. Set for contested hearing.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00451

CASE NAME: MATTER OF JOLEE BONILLA

HEARING:

Petition for Appointment of Conservator

COUNSEL:

ARNOLD FROST	(CPE)...VALERIE ROSS
SANDRA FROST	(CPE)...VALERIE ROSS
HENRIETTA PURTLE	(CPE)...VALERIE ROSS
JOLEE BONILLA	(CEP)...

GENERAL INFORMATION: Temporary letters issued as amended on 10-19-04. The court granted limited 2590 powers for the sole purpose of completing the sale of the Conservatee's marital home.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the hearing on the exparte petition for appointment of Conservator bond was set in the amount of \$10,000. Based on the statements in the petition and the request in the petition it would appear that the bond should be \$25,000.
2. Court Investigator report is in the file. The Conservatee is objecting. Court has appointed Attorney Nelms.
3. Conservatee **CAN** complete voter affidavit.
4. File return of citation.
5. File notice of hearing and proof of service.
6. It should be noted that no special personal or estate powers are sought under the petition. However, 2590 powers were sought exparte and granted and there is a separate petition on the next page of this calendar for medical powers.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for accounting review for 1-20-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00451

CASE NAME: MATTER OF JOLEE BONILLA

HEARING:

Petition for Authority to Consent to Medical Treatment.

COUNSEL:

ARNOLD FROST	(CPE)...VALERIE ROSS
SANDRA FROST	(CPE)...VALERIE ROSS
HENRIETTA PURTLE	(CPE)...VALERIE ROSS
JOLEE BONILLA	(CEP)...

GENERAL INFORMATION: See matter on preceding page.

THIS CASE IS SET FOR HEARING ON petition for exclusive authority to give consent for medical treatment.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. File capacity declaration.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS00454

CASE NAME: MTR OF ARMAND F GAUTHIER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

PAMELA BORCHMANN (PET)...DAVID W BROWN
ARMAND F GAUTHIER (PCE)...

GENERAL INFORMATION: Temporary orders granted on 11-1-04. However, letters have not issued.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. File return of citation.
3. The court ordered bond in the amount of \$10,000. Bond has not been filed. The petitioner also requested powers under 2590. If those powers are granted bond should be set in the amount of \$223,000.
4. In the request for 2590 power the petition has requested the power to sell the Conservatee's real property. If this property includes the Conservatee's home then a hearing under Pr.C. § 2540 should be required. Additionally, the court should require that any sale be subject to a confirmation of sale by the court.
5. Petitioner also seeks 2590 powers to make medical decisions. The statement is unclear. If the petitioner is requesting medical power then it should not be under section 1(d) of the petition, it should be under section 1(g), which is not checked. Additionally, it sounds as if the petitioner is requesting authority to place the Conservatee in a locked facility. This could be an incorrect interpretation of the statement that Conservator is requesting "authority to have the Conservatee placed in a home if needed". However, when one combines this statement with the statement that the Conservatee suffers from Alzheimers (section 5(b) of the

petition) it would appear to be a real possibility. If this is the case then the box requesting dementia powers at section 1(k) of the petition should have been checked. At any rate, if this is the intent then the petition should be amended to properly reflect the requests of the petitioner. However, the request clearly does not belong under a 2590 request.

6. Petitioner also seeks authority to employ attorneys, accountants, etc. If this power is granted any payment of fees should be subject to court approval.
7. Need Court Investigator report.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for accounting review for 1-20-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VC VS384

CASE NAME: IN THE MATTER OF PEGGY L KULAKOWSKI

HEARING:

Hearing Re: Petitioner for approval of Special Needs Trust.

COUNSEL:

MICHAEL KULAKOSWKI	(PET)...	CHRISTOPHER R ABERNATHY
PEGGY L KULAKOWSKI	(PCE)...	CALDWELL, KENNEDY & PORTER, A.
YVETTE BOWMAN	(CPE)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for approval of Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that the Conservatee will receive assets as a result of a Family Law proceeding (VFL 023671). The court in that matter has apparently requested that a Special Needs Trust be established to handle the asset to come from that proceeding. It is questionable if the assets qualify under Pr.C. § 3600 et seq for a Special Needs Trust in that the Conservatee already had a right to those assets. However, taking the literal wording of the statute the assets are the result of a judgment or compromise of a claim. It would therefore appear that a Special Needs Trust may be created under the facts of this case.
2. File notice of hearing and proof of service in accord with Pr.C. § 2581 and 3604(d).
3. The proposed Special Needs Trust does not comply with the requirements of Local Rule of Court Rule 1405 for a substituted judgment in that the Special Needs Trust does not call for the posting of a bond, accounting to the court in the conservatorship proceeding, limitations on investments, court approval of confirmation of gifts, etc, prior court approval for payment of fees to attorney, Conservators or trustees and payment of Court Investigator fees.
4. The petition does not set forth the information necessary to allow the court to make findings in accord with the requirements of the code. The code requires that the court find that the incompetent person has a disability that substantially impairs the

individuals ability to provide for their own care and custody and it constitutes a substantial handicap. The court could likely rely on the Court Investigator reports to make this type of finding. The code requires that the court find that the Conservatee has special needs that will not be met outside the trust. Such needs are not set forth in the petition. The code requires that the court find that the money to be paid to the trust does not exceed the amount reasonably necessary to meet the special needs of the incompetent person. There is nothing in the petition that provides the court with the information necessary to make this evaluation.

5. Petitioner is the court appointed counsel for the Conservatee. She is requesting payment of \$880 for preparation of this petition and a flat fee of \$1,200 for preparation of the Special Needs Trust. It would appear inappropriate to award the flat fee, as there is no basis upon which the court could determine that the money was reasonably spent. This is additionally true in light of the fact that the trust does not comply with the rules of court. Court should require an itemization.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS00891

CASE NAME: MTR OF CHRISTINE GONZALES FKA CHRISTINE CARBAJAL

HEARING:

Accounting Review

COUNSEL:

LAWRENCE GONZALES (PET)...LYNN E ZUMBRUNN
FLORENTIA GONZALES (PET)...LYNN E ZUMBRUNN
CHRISTINE GONZALES (MIN)...

GENERAL INFORMATION: continued from 8-27-04 and 10-29-04. Accounting covers 6-1-02 though 8-31-04. Nothing new filed.

THIS CASE IS SET FOR HEARING Second account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioners are the guardians and adoptive parents of the minor. The accounting establishes that the minor received a settlement from a wrongful death action in relation to her biological father. She also receives social security as a result of the death. The adoptive parents charge the minor for room and board, cost of child care, clothing, school lunches etc. If in fact the guardians are the adoptive parents then they step into the shoes of the biological parents and are primarily responsible for the upkeep of the minor. The minor would only become responsible for her own upkeep if the adoptive parents were financially incapable of caring for her. Court may wish to inquire on this issue.
2. Attorney requests fees of \$1,050 at \$200 per hour. Amount is itemized.
3. Remainder of accounting appears ok.

RECOMMENDATION:

Recommended for approval subject to court's ruling on number 1. Set hearing for the next account for 11-17-06, to cover the period of 9-1-04 through 8-31-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01059

CASE NAME: MATTER OF REYMUND & ALEXANDREA VALADEZ

HEARING:

Petition for Termination of Guardianship

COUNSEL:

ROSALVA G SAAVEDRA (PET)...PRO/PER
REYMUND VALADEZ (MIN)...
ALEXANDREA VALADEZ (MIN)...
DAISY VALADEZ (OBJ)...

GENERAL INFORMATION: continued from 9-3-04. Matter referred to F.C.S. We are awaiting report. Court referred matter to Court Investigator. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the mother. She contends that she is now employed, has a home, no longer does drugs and can care for her children.
2. At the 9-3 hearing the Court has ordered mother to give notice to father and paternal grandparents. Do not see proof of service in the file.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01522

CASE NAME: MTR OF MARKELL LEON MARTIN JR

HEARING:

Petition for Termination of Guardianship

COUNSEL:

DARLENE R HAMILTON (PET)...PRO/PER
MARKELL LEON MARTIN JR (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on all persons listed in section 8 of petition including minors 12 and over.
2. Petitioner is the guardian. She alleges that the minor will be living with his father. It should be noted that the petition indicates that the paternal grandparents are unknown. If the petitioner is in touch with the father, it would appear reasonable that she could inquire as to their names and addresses.
3. Section 8 of the petition is not properly completed in that there are no addresses listed.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01674

CASE NAME: MATTER OF GONZALES & GUTIERREZ

HEARING:

Petition for Termination of Guardianship

COUNSEL:

LALO GARCIA	(PET)...PRO/PER
DOROTHY GARCIA	(PET)...PRO/PER
JOSHUA GONZALES	(MIN)...
RAYMOND GONZALES	(MIN)...
LEONARD GONZALES	(MIN)...
SONNY GUTIERREZ	(MIN)...
RICHARD LEONARD GONZALES SR	(PET)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the father and alleges that the minors Joshua, Raymond and Leonard wish to live with him and the guardians have consented. There is no confirmation of the guardians' consent in the file.
2. File notice of hearing and proof of service on all persons listed in section 8. File due diligence declaration as to maternal grandparents.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01762

CASE NAME: MATTER OF HAYLEE ANGELA MARCY

HEARING:

Petition for Appointment of Guardian

COUNSEL:

ROBERT M MARCY (PET)...PRO/PER

PETRA A MARCY (PET)...PRO/PER

HAYLEE ANGELA MARCY (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 5 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It is alleged that the father is unknown. File certified copy of minor's birth certificate.
If father unknown court should dispense notice to father and paternal grandparents.
2. File notice of hearing and proof of mailed service on Court Investigator.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01763

CASE NAME: MTR OF THOMAS MANUEL SMITH

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LISA SMITH	(PET)...PRO/PER
VICTOR SMITH	(PET)...PRO/PER
THOMAS MANUEL SMITH	(MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01764

CASE NAME: MTR OF SEQUOIA MOON COBOS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

EVELYN MARIE ETCHISON (PET)...PRO/PER
SEQUOIA MOON COBOS (MIN)...

GENERAL INFORMATION: Temporary letters issued 10-25-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on mother or due diligence declaration.
2. File notice of hearing and proof of mailed service on Court Investigator.
3. File certified copy of birth certificate.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01765

CASE NAME: MATTER OF CARISSA HARRISON

HEARING:

Petition for Appointment of Guardian

COUNSEL:

BABY GIRL TAYLOR	(PET)...PRO/PER
CARISSA HARRISON	(MIN)...

GENERAL INFORMATION: Temporary letters issued 10-25-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caretaker, minor 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner not related to minor. D.C.S. report needed. Court has referred the matter to D.C.S. We are awaiting report.
2. File notice of hearing and proof of personal service on parents or due diligence declaration. (Can't tell if court has in fact dispensed notice to mother. Form is not clear on the issue. Court will need to review that issue.)
3. File notice of hearing and proof of mailed service on maternal grandparents and paternal grandparents or due diligence declaration. File proof of mailed service on Court Investigator.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/03/04 TIME: 8:30 DEPT: V12G

CASE #: VG VS01766

CASE NAME: MATTER OF EVELYN, RACHEL & SERRINA SERNA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VIRGINIA RIENTOLD MOLINA (PET)...THE HEGNER LAW FIRM
EVELYN SERNA (MIN)...
RACHEL SERNA (MIN)...
SERRINA SERNA (MIN)...

GENERAL INFORMATION: Temporary letters issued 10-27-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by great aunt, minors 9, 8 and 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother apparently appeared and objected. There are no written objections in the file. Mother was ordered to drug test. Results are in the file.
2. Matter referred to F.C.S. We are awaiting report.
3. The order prescribing notice includes aunts and uncles. This is not required by the code. Did the court wish to dispense notice to these persons?
4. Father has signed consent and waiver.
5. File notice of hearing and proof of personal service on mother.
6. File notice of hearing and proof of mailed service on paternal grandparents, maternal grandparents and Court Investigator.
7. Court may wish to review confidential screening form.

RECOMMENDATION:

Court may wish to order mother to file written objections.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002364

CASE NAME: ESTATE OF FRED HEBRON

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

CHARLES ALBERT HEBRON (PET)...CALDWELL, KENNEDY & PORTER, A.

FRED HEBRON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002367

CASE NAME: ESTATE OF GEORGE PATSKO

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

JOSEPH T PATSKO (PET)...ZUMBRUNN LAW CORPORATION

GEORGE PATSKO (DEC)...

DEPT OF HEALTH SERVICES/RECOVE(TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002369

CASE NAME: ESTATE OF CONRADO L ALIWALAS

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

EMELINDA V ALIWALAS (PET)...RICHARD D GANN
CONRADO L ALIWALAS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002372

CASE NAME: ESTATE OF PATRICK R CROSWELL

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

RICHARD P CROSWELL (PET)...ALLAR, SHELTON & O'CONNOR
PATRICK R CROSWELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002503

CASE NAME: ESTATE OF CLAUD W RAYBOURN

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

PEGGY J RAYBOURN (PET)...DEBRA S POPINEAU
CLAUD W RAYBOURN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Will waives bond.

RECOMMENDATION:

Recommended for approval subject number 1. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1-20-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002504

CASE NAME: MATTER OF SHIRLEY STRINGHAM VALENZUELA

HEARING:

Petition to determine succession to Real Property

COUNSEL:

ROBERT LESTER LEE (PET)...SPILLER * MCPROUD
DIANE LEE JORTNER (PET)...SPILLER * MCPROUD
JANET LEE WOODWARD (PET)...SPILLER * MCPROUD
DAVID ALAN LEE (PET)...SPILLER * MCPROUD
SHIRLEY STRINGHAM VALENZUELA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002505

CASE NAME: ESTATE OF DAVID BRIAN KENNEDY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

BETTY M LEHR (PET)...FULLERTON LEMANN SCHAEFER & DO
DAVID BRIAN KENNEDY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives bond.
2. File proof of publication.

RECOMMENDATION:

Recommended for approval subject to number 2. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1-20-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002506

CASE NAME: MATTER OF WILLMAS FAMILY TRUST

HEARING:

Hearing Re: PETITION FOR MODIFICATION & INSTRUCTIONS.

COUNSEL:

DONALD D SCHULTZ (PET)...DONALD A HUNSBERGER
COMERICA BANK (PET)...DONALD A HUNSBERGER
ROMAN CATHOLIC ARCHBISHOP OF L(PET)...DONALD A HUNSBERGER
ANTHONY WILLMAS (DEC)...
EDNA WILLMAS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON amendment to an irrevocable charitable trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Wilmas trust became irrevocable on 8-20-02. The trustees are the Roman Catholic Archdiocese of Los Angeles, Donald Schultz and Comerica Bank. Section C Article VIII of the trust indicates that the trustees have the power "to amend the trust in any manner required for the sole purpose of ensuring that the trust qualifies and continues to qualify as a charitable trust for federal and California tax purpose." The trust as currently written does not allow for the distribution of any of the principal. However, a failure to distribute a specified portion of the principal will result in the imposition of taxes. Such imposition would violate the trust. Petitioners seek to amend the trust to allow minimum distributions of principal where necessary to allow the charitable trust to maintain its tax exempt status. The amendment would also resolve an ambiguity in the term "net income" by defining the term "income" and providing that all expenses are to be paid out of principal. Petitioner alleges that they realize that they have the power under the trust to make the requested changes, but seek court authorization due to the large amount of assets involved.

2. 50% of the income is to be distributed to selected organizations qualifying under the Internal Revenue Code § 170(c), the organizations and proportion to be determined in the sole discretion of the Archdiocese of Los Angeles. The Archdiocese intends to include various of its ministries in these organizations. The petitioner requests a finding that to make such distributions does not constitute self-dealing on the part of the Archdiocese. The petitioner cites various Federal Codes, but fails to provide copies as is required by California Rule of Court, rule 313(f). It is alleged that the these code sections establish that the actions of the Archdiocese do not constitute self dealing.

RECOMMENDATION:

Require petitioner to file copies of non-California authorities cited in their points and authorities

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002507

CASE NAME: ESTATE OF JOHN M SCHEIBER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

GREGORY JOHN SCHEIBER (PET)...THE HEGNER LAW FIRM
JOHN M SCHEIBER (DEC)...

GENERAL INFORMATION: Special letters issued 10-12-04.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate.
2. File proof of publication.
3. Relationships of persons listed in section 9 of the petition are not listed. File supplement.
4. Will waives bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1-20-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002508

CASE NAME: MATTER OF NATHAN DAVE WHITMAN

HEARING:

Petition to determine succession to Real Property

COUNSEL:

SANDRA WHITMAN (PET)...HEALEY & HEALEY
NATHAN DAVE WHITMAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 9(a)(3) of the petition is not completed. File supplemental.
2. State basis upon which petitioner alleges that she is entitled to the 100% of the real property. Under laws of intestate succession petitioner would only be entitled to 1/3 of the property.
3. File notice of hearing and proof of service per order prescribing notice.

RECOMMENDATION:

Require correction of items 1 through 3.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002512

CASE NAME: ESTATE OF ROY W STEEVES

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

CLAIRE STEEVES	(PET)...	ERWIN & JOHNSON, LLP
ROY W STEEVES	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate.
2. File proof of publication.
3. Anne Macormack is named in the will, or what appears to be an addendum to the will, and is not named in section 9. File supplement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1-20-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002513

CASE NAME: ESTATE OF DOROTHY MAE PAGE

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

ROBIN R WALTON (PET)...RANDALL & ASSOCIATES
DOROTHY MAE PAGE (DEC)...

GENERAL INFORMATION: Special letters issued 10-18-04. Court also issued a T.R.O. to stop foreclosure on estate assets.

THIS CASE IS SET FOR HEARING ON Petition to administer, with limited I.A.E.A authority and \$6,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate.
2. File proof of publication.
3. There is a request to set bond in the amount of \$6,000. However, minimum bond is \$10,000. Bond was waived at the time of the issuance of special letters. However, with a T.R.O. in place the court may wish to consider imposition of minimum bond of \$10,000.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1-20-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS00635

CASE NAME: ESTATE OF ELISE BORS AKA SARAH SILVERSTEIN;SARA

HEARING:

Hearing Re: FILING OF FINAL DISCHARGE.

COUNSEL:

ELSIE LOUISE WAGNER (PLA)...
E L BEECHER (PLA)...
ELSE L BEECHER (PLA)...
ELSE LOUISE BEECHER (PLA)...
SARAH ELSE SILVERSTEIN (PLA)...
SARA LOUISE SILVERSTEIN (PLA)...
SARAH FREMDE (PLA)...
SARAH SILVERSTEIN (PLA)...
ELISE BORS (PLA)...
MARTA HOCH (PET)...PRO/PER

GENERAL INFORMATION: Continued from 12-26-03 and 7-2-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Fourth Accounting approved 9-21-01.
2. Last status report filed on 10-17-02. At that time, there were still assets in the possession of the Controller's office which the Petitioner was having difficulty getting released to distribute. Petitioner requested continuance to allow more time to pursue those assets, so this matter was continued for a year. Petitioner indicated that she still needed more time to go after the money in the Controller's office. She indicated that due to her illness and the illness of several persons in her family she has not been able to secure the information from family members to obtain this information. Court continued this matter for another 6 months.

RECOMMENDATION:

It is suggested that the court strongly advise petitioner that this matter must be brought to close. The court could also advise that any additional continuances will be at a cost of \$100 per continuance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01074

CASE NAME: MTR OF ELSPETH AMELIA JOHNSON

HEARING:

OSC re: FAILURE TO FILE REQ DOCS/SANC/REMOVAL OF ADMIN

COUNSEL:

ELSPETH AMELIA JOHNSON (DEC)...

MARY E SMITH (PET)...DAVID W BROWN

D KEVIN PORTER (TP)...

GENERAL INFORMATION: continued from 6-11-04 and 9-24-04. Court indicated that the petitioner was to file the final accounting prior to this hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to file required documents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The status report in this case is over a year overdue. Nothing new filed.

RECOMMENDATION:

If administrator has been noticed concerning this hearing then she should be removed for failure to obey a court order. When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not to appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052. Here we have tried to serve her with a citation and have been unsuccessful. It would therefore appear appropriate to merely notice her of the intent to remove her through her attorney. There is no bonding company to notice.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01326

CASE NAME: ESTATE OF MARY C BROWN AKA MARSHIE BROWN

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

DAVID W BROWN
MARY C BROWN

(PET)...MARC D ROBERTS & ASSOCIATES
(DEC)...

GENERAL INFORMATION: Matter has been continued 11 times for this purpose.

THIS CASE IS SET FOR HEARING ON filing of final discharge order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No discharge order filed.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator and counsel.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01540

CASE NAME: ESTATE OF GEORGE L WILLIAMS

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

MAGGIE WARD	(PET)...	TERENCE A BAIRD
GEORGE L WILLIAMS	(DEC)...	

GENERAL INFORMATION: continued from 9-19, 11-14-03, 1-16 and 7-2-04.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. We are still missing receipts from Mary Margaret Johnson, Aurell Ward and Carrie Padilla. Petitioner has also not filed a final discharge order.
2. At each of the last hearings the petitioner has filed a declaration indicating progress. No declaration has been filed for this hearing.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01633

CASE NAME: ESTATE OF ALESSANDRO CAPRARO

HEARING:

Hearing re Final Discharge

COUNSEL:

LORELLA WILLIAMS	(PET)...	STANLEY E HABERMAN
ALESSANDRO CAPRARO	(DEC)...	
LORELLA WILLIAMS	(PET)...	ROLLIN N RAUSCHEL
CELIA CAPRARO	(PLA)...	ROLLIN N RAUSCHEL
LORELLA WILLIAMS	(DEF)...	

GENERAL INFORMATION: Continued from 7-2-04. Clerk gave notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01714

CASE NAME: ESTATE OF JOY C SEAMAN

HEARING:

Hearing re Final Discharge

COUNSEL:

WILLIAM R REITLER
JOY C SEAMAN

(PET)...LUTHI, GARY & APPEL
(DEC)...

GENERAL INFORMATION: continued from 10-8-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed.
2. Need final discharge order.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01715

CASE NAME: ESTATE OF JOSEFA K AYERS AKA

HEARING:

Hearing re Final Discharge

COUNSEL:

ROSEMARIE BANICK	(PET)...	CALDWELL, KENNEDY & PORTER, A.
CYNTHIA BRILL	(PET)...	CALDWELL, KENNEDY & PORTER, A.
JOSEFA K AYERS	(DEC)...	

GENERAL INFORMATION: Continued from 10-29-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All receipts filed.
2. File final discharge order.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01815

CASE NAME: ESTATE OF VIRGINIA K CAREL

HEARING:

Hearing Re: STATUS.

COUNSEL:

SHARON K STATON (PET)...SKORETZ & CHURCH
VIRGINIA K CAREL (DEC)...
DEPT OF HEALTH SERVICES (TP)...
LARRY R CAREL (MICHAEL H ELAM

GENERAL INFORMATION: This matter came on for court trial on 6-25-04. Counsel for Ms. Staton failed to appear. The court continued the matter with directions that counsel of record was to be noticed. Mr. Church was the original counsel. He filed a motion to be relieved, but was advised by attorney Gulla that she had secured a substitution of attorney and would be filing it on 9-27-02. Church has presented a copy of the document sent to him. Gulla apparently made the same representation to the court, as the court took the motion to be relieved off calendar with the notation that a substitution would be filed. Gulla never filed the substitution. Gulla did appear at a number of hearings after that on behalf of Staton. Gulla stopped appearing after the hearing on 2-13-04. As far as the records of the court are concerned Gulla has not been noticed of this hearing. However, per the records Mr. Church is still the attorney of record until the substitution is filed, or he is in fact relieved.

THIS CASE IS SET FOR HEARING ON court trial

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter involves competing petitions for probate. The matters have been referred to MSC without success. Neither petition is procedurally complete. See notes of 12-5-03.
2. Staton's position is that the decedent died intestate. Carel's position is that the decedent died leaving a will. Staton has not filed a will contest.

RECOMMENDATION:

The person named in the will as executor has the right to appointment as personal representative. (Pr.C. § 8420). Here, we have no will contest filed by Staton. Therefore it would appear that Carel is entitled to the position as executor. However, it should be noted that Carel's petition is still not procedurally complete.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01962

CASE NAME: ESTATE OF RUBEN L MORALES

HEARING:

Hearing Re: STATUS REPORT.

COUNSEL:

CYNTHIA GRAF	(PET)...	SHERRI L KASTILAHN
RUBEN L MORALES	(DEC)...	

GENERAL INFORMATION: On 10-15-04 the court sanctioned Ms. Kastilahn \$45 for the cost of service of a citation. That amount has not yet been paid.

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed. File notice of hearing and proof of service in accord with Pr. C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr. C. § 10950. This form of notice is mandatory.
2. Estate is not in a condition to close due to the need to file an 850 petition. The status report indicates that the 850 petition was being filed simultaneously with the status report. It was not filed. Further, the status report indicates that the persons entitled to notice will be found on exhibit A, which is attached to the status report. There is no exhibit attached to the status report.

RECOMMENDATION:

Require counsel to pay the \$45 forthwith. Require Exhibit A to be filed. Set a control date for proof of filing of the 850 petition. Require counsel to give notice as indicated in number 1 above. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 1-20-06. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02046

CASE NAME: ESTATE OF VETA A. MARSHALL

HEARING:

Accounting Review

COUNSEL:

MARION A MARSHALL (PET)...PRO/PER
VETA A MARSHALL (DEC)...

GENERAL INFORMATION: Continued from 6-25-04. Per the minute order of that date the petitioner presented documents to the court. Per the clerk's office the documents were returned as they were receipts and discharge orders. These orders were premature in that a final accounting and report has not yet been filed.

THIS CASE IS SET FOR HEARING ON status/accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not to appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02064

CASE NAME: ESTATE OF YANIS MOVIDS RIMBENIEKS

HEARING:

Hearing Re: PETN FOR DISCHARGE OF PERSONAL REPS.

COUNSEL:

EVALDS RIMBENIEKS (PET)...

JOAN RIMBENIEKS (PET)...

YANIS MOVIDS RIMBENIEKS (DEC)...

GENERAL INFORMATION: The court issued a bench warrant and held it on an O.S.C. re failure to file accounting or status report. The court set bail at \$100, the amount required to serve the citations.

THIS CASE IS SET FOR HEARING ON petition for discharge of personal representative.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The estate has no assets that are subject to probate. The estate was opened for the sole purpose of filing a wrongful death action in Florida. No assets came into the estate as a result of that action.
2. There was one creditor's claim filed and it was paid by the co-signer on the note.
3. There does not appear to be anyone to notice.

RECOMMENDATION:

Petition granted. However, administrators should not be discharged until the \$100 for the cost of citations is paid. Suggest court set a control date for proof of payment. Continue to hold the bench warrant until the control date hearing.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02064

CASE NAME: ESTATE OF YANIS MOVIDS RIMBENIEKS

HEARING:

Hearing Re: CONTEMPT/REMOVAL FROM OFFICE OR BOTH.

COUNSEL:

EVALDS RIMBENIEKS (PET)...

JOAN RIMBENIEKS (PET)...

YANIS MOVIDS RIMBENIEKS (DEC)...

GENERAL INFORMATION: see preceding page.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02155

CASE NAME: ESTATE OF REGINALD PETER ROBERTS, JR.

HEARING:

Hearing Re: FIRST & FINAL ACCT & REPORT, ETC.

COUNSEL:

GLORIA ROBERTS (PET)...WILKINSON & WILKINSON
REGINALD PETER ROBERTS JR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$8,262.
2. Attorney requests extra-ordinary fees in the amount of \$2,867.50. A portion of the fees are for paralegal billed at \$85 per hour. This is excessive for this area. Generally fees in excess of \$75 per hour are not allowed. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 C.A.2d 792).
3. Counsel request reimbursement of costs advanced in the amount of \$1,051.60 and petitioner requests reimbursement of \$593.52 in costs. Amounts are itemized.
4. Petitioner requests permission to withhold \$1,000 in closing costs.

RECOMMENDATION:

Recommended for approval subject to court's ruling on number 2. Set hearing for filing of receipts and final discharge order for 1-20-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02168

CASE NAME: ESTATE OF LORETTA A. PHILIPS

HEARING:
Accounting Review

JANINE D PHILIPS	COUNSEL:
LORETTA A PHILIPS	(PET)...PRO/PER
	(DEC)...

Address	16030 Nancotta Rd., Apple Valley
Appraised value	\$95,000. Need reappraisal for sale.
Sale price	\$100,001.
First overbid	\$105501.05
Deposit	\$10,000
Commission	Not stated. Clarify
Additional bond	No bond
Reason for sale	Best interests of the estate. Reasons not stated.
Exposure to market	Shown by realtor and advertised in newspaper.
Notice	File proof of publication of intent to sell and file notice of hearing and proof of service.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02244

CASE NAME: ESTATE OF FRANK SOLISE MORALES

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID S MORALES (PET)...PRO/PER
FRANK SOLISE MORALES (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
3. File property tax certificate.

RECOMMENDATION:

Require the filing of bank statements supporting the liquid assets in the inventory and appraisal. Require the filing of a property tax certificate.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02263

CASE NAME: ESTATE OF ELLSWORTH W KAGAN SR

HEARING:

Hearing Re: FIRST & FINAL PETITION FOR FINAL DISTRIBUTION.

COUNSEL:

ELLSWORTH W KAGAN (DEC)...
ELLSWORTH KAGAN JR (PET)...DANIEL G FELDING
DEPT OF HEALTH SERVICES RECOVE(TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did decedent's predeceased spouse receive health care benefits under the provisions of Chapter 7 or 8, part 3, division 9 of the Welfare and Institutions Code? The petition does not make clear if the D.H.S. claim was for the decedent only or for decedent and his predeceased spouse. File supplemental.
2. File a graduated filing fee adjustment schedule in accord with California Rule of Court, Rule 7.552(f).
3. Statutory fees are \$3,800. Petitioner waives fees.

RECOMMENDATION:

Recommended for approval subject to numbers 1 and 2. If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 1-20-04.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02311

CASE NAME: MTR OF LARRY BEN ABNEY

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

PINNIE HUMBLE	(PET)...	MALCOLM S MACMILLAN
LARRY BEN ABNEY	(DEC)...	

GENERAL INFORMATION: continued from 10-1-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02328

CASE NAME: ESTATE OF FRED WARREN HOLBROOK SR

HEARING:

Hearing Re: PETN FOR SETTLMT OF FIRST & FINAL ACCT, FINAL DIST.

COUNSEL:

VARNEY HOLBROOK (PET)...DAVID W BROWN
FRED WARREN HOLBROOK SR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and final report and petition for distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting looks ok.
2. Statutory fees are \$6,100.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 1-20-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 12/03/04 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02340

CASE NAME: ESTATE OF FRANCIS WILLIAM BULRICE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JOHN BULRICE (PET)...ANNE SCANLON ZIMMERMAN
FRANCIS WILLIAM BULRICE (DEC)...

GENERAL INFORMATION: Continued from 5-28-04, 8-13-04 and 10-15-04. Counsel failed appear at the time of the last hearing and the court continued the matter to this date. The clerk has given notice.

Petitioner has now filed a document purported to be a petition for instructions. The petition for instructions indicates that the petitioner believed that the only asset of this estate was in the family trust and sold the real property asset as the successor trustee. Shortly before the sale concluded the petitioner was informed by the escrow company that in fact the asset had been removed from the trust. Despite this knowledge the petitioner sold the property in his capacity as the successor trustee. He then distributed the assets to himself and his sister as the sole beneficiaries. Petitioner contends that it would be meaningless to go through a probate under the circumstances and requests that the court find that the property should have been considered an asset of the trust. Based on the facts presented it would appear that the court is without authority to make such a finding.

Petitioner has filed points and authorities attempting to establish that the court has the authority to grant the relief requested. The points and authorities provided merely set forth 2 sections of the probate code. Neither section authorizes the court to determine that assets intentionally removed from the trust by the settlor and not thereafter reaffirmed as a portion of the trust can be deemed to be a part of the trust. The points and authorities provided are of little benefit to the court or the petitioner.

Petitioner further requests that if the court determines that a probate is necessary then the petitioner requests additional time to provide proof of publication. It is not this court's province to determine if a probate is necessary; the court does not instruct on matters contained within the code.

If petitioner wishes to proceed on the probate petition, the court cannot approve it until proof of publication is filed.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will is not self-proving. File proof of subscribing witness.
2. Ruth Bulrice is named in the will, but is not on attachment 9. File supplemental.
3. The will names Ruth Bulrice as first executor. As she is not listed in attachment 9 it is assumed that she is deceased, but the petition does not so indicate. If alive file declination to act as executor.
4. Assuming that Ruth is deceased and that petitioner is next in line to be executor, then will waives bond.
5. File proof of publication.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 5-27-05. Set hearing for filing of status report and/or accounting for 1 -20-06. Any accounting to be filed 30 days in advance.